

## **REMARKS**

The status of the application is as follows:

- Claims 1, 6, and 15-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,279,694 to DiSanto et al. ("DiSanto") in view of U.S. Patent No. 6,661,563 to Hayashi et al. ("Hayashi").
- Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DiSanto in view of Hayashi and further in view of U.S. Patent No. 5,492,863 to Higgins, III ("Higgins").
- Claims 3, 4, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DiSanto in view of Hayashi and further in view of U.S. Patent No. 6,369,793 to Parker ("Parker").
- Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DiSanto in view of Hayashi and further in view of U.S. Patent No. 5,660,570 to Chan et al. ("Chan").
- Claims 7-12 have been withdrawn from consideration.

Applicants submit herewith a declaration under 37 C.F.R. § 1.131 (Tab 2) establishing conception and reduction to practice of the subject matter of claims 1-20 prior to January 30, 2001, the filing date of Hayashi. In view of this declaration, Hayashi does not qualify as prior art under 35 U.S.C. § 102 and as such, cannot be used as a prior art reference under 35 U.S.C. § 103(a). Therefore, Applicants respectfully submit that all of the rejections under 35 U.S.C. § 103(a) should be withdrawn, at least because the remaining references fail to render any of the claims obvious.

For example, with respect to independent claim 1, as pointed out by the Office Action, "DiSanto does not disclose that the electrophoretic display element is capable of flexing without substantial detriment to its optical performance or that the display assembly is capable of flexing without substantial detriment to its optical performance." Page 2. As a result, DiSanto does not teach or suggest all the limitations of independent claim 1, and hence independent claim 1 is not rendered obvious by DiSanto.

Pending claims 2-6 and 13-20 depend either directly or indirectly from independent claim 1, and include all the limitations thereof. Therefore, Applicants respectfully submit that these claims are patentable as well, at least for the reasons discussed above with respect to amended claim 1.

### CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of all rejections and allowance of claims 1-6 and 13-20, in due course. The Examiner is hereby cordially invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,



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